

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06CV250-MU-02

STEVE MORRISON,)
 Petitioner,)
)
 v.)
)
STATE OF NORTH CAROLINA,)
 Respondent.)

)

ORDER

THIS MATTER comes before the Court on Petitioner's Motion for Relief from Judgment, filed July 17, 2007 (document # 6).

The Court's records reflect that Petitioner filed his Petition for a Writ of Habeas Corpus under 28 U.S.C. §2254 on June 15, 2006 and amended it on June 23, 2006. Upon this Court's initial review, however, it was determined that Petitioner procedurally had defaulted the two claims set forth in that Petition; and that he had failed to establish that such default should be excused. Thus, by Order entered July 6, 2006, this Court dismissed Petitioner's Petition for his failure to state a claim upon which relief could be granted.

By his Motion for Relief from Judgment, Petitioner raises several claims of ineffective assistance of counsel, none of which were raised either by his original or amended Petitions. Thus, the instant Motion for Relief from Judgment is little more

than a thinly-veiled attempt by Petitioner to continue his collateral attack of his underlying convictions. Therefore, pursuant to United States v. Winestock, 340 F.3d 200, 207 (4th Cir. 2003), Petitioner's Motion must be rejected as an unauthorized second petition for habeas review. Indeed, inasmuch as Petitioner has filed this second federal habeas petition without having first obtained pre-filing authorization from the Fourth Circuit Court of Appeals as required under 28 U.S.C. §2244, his Motion for Relief from Judgment (document # 6) is **DENIED**.

SO ORDERED.

Signed: October 8, 2009

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

